

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on March 23, 2007 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 342, 346, 347, 348, 350, 363,
3/15/2007
Executive Action: SB 164, SB 170, SB 318

HEARING ON SB 342

Opening Statement by Sponsor:

00:01:12 Sen. Carolyn Squires (D), SD 48, opened the hearing on SB 342, Fingerprint criminal background checks for social workers and counselors.

[EXHIBIT\(juh62a01\)](#)

[EXHIBIT\(juh62a02\)](#)

Proponents' Testimony:

00:08:30 Sen. Jim Shockley, SD 45

00:09:02 Ali Bovington, Assistant Attorney General, Department of Justice, State of Montana

Opponents' Testimony: None

Informational Testimony:

00:11:36 Cindy Breen, Program Manager, Licensure of Social Workers, Department of Labor, State of Montana

Questions from Committee Members and Responses:

00:12:06 Rep. Stoker

00:13:07 Sen. Squires

Closing by Sponsor:

00:13:12 Sen. Squires

HEARING ON SB 346

Opening Statement by Sponsor:

00:14:06 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 346, Prohibiting certain contracts with illegal aliens.

[EXHIBIT\(juh62a03\)](#)

Proponents' Testimony:

00:20:34 Keith Allen, Local #333, Brotherhood of Electrical Workers

00:21:48 J.D. Lynch, Montana State Building Trades Union

00:23:06 Jim McGarvey, Montana AFL-CIO

00:24:02 Paul Nachman, self

[EXHIBIT\(juh62a04\)](#)

00:29:00 Mary Beveridge, self, Business Owner

00:31:15 Lynn Stumberg, Eagle Forum

Opponents' Testimony:

00:33:01 Gail Abercrombie, Montana Contractors Association=
[EXHIBIT\(juh62a05\)](#)

00:39:53 Marty Schuma, Vice-President, Dick Anderson
Construction

00:43:23 John Benion, Montana Chamber of Commerce

00:45:58 Kathy Day, ACLU

Informational Testimony: None

Questions from Committee Members and Responses:

00:48:10 Rep. Kerns

00:48:28 Sen. Shockley

00:49:40 Rep. Koopman

00:51:37 Sen. Shockley

00:56:17 Rep. Koopman

00:57:03 Mr. Schuma

00:58:39 Rep. Stoker

00:59:02 Ms. Day

01:00:04 Rep. Jore

01:00:38 Ms. Abercrombie

[EXHIBIT\(juh62a06\)](#)

[EXHIBIT\(juh62a07\)](#)

01:01:39 Sen. Shockley

01:02:44 Rep. Ward

01:04:17 Sen. Shockley

01:06:40 Rep. Rice

01:09:19 Mr. Schuma

01:09:35 Rep. Ward

Closing by Sponsor:

01:09:44 Sen. Shockley

HEARING ON SB 347

Opening Statement by Sponsor:

01:13:51 Sen. Jim Shockley (R), SD 45, opened the hearing on sb
347, Conservation easement enforcement.

Proponents' Testimony:

01:15:43 Ali Bovington, Assistant Attorney General, Department
of Justice, State of Montana
01:17:01 Glen Marks, Montana Association of Land Trusts

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:19:36 Rep. Everett
01:19:49 Mr. Marks
01:23:02 Rep. Kottel
01:23:21 Mr. Marks
01:26:22 Ms. Bovington
01:30:53 Rep. French
01:31:18 Ms. Bovington
01:31:36 Mr. Marks
01:33:29 Rep. Koopman
01:37:23 Rep. Stoker
01:38:12 Sen. Stoker
01:42:10 Rep. Rice
01:42:36 Ms. Bovington
01:44:36 Sen. Shockley

Closing by Sponsor:

01:48:14 Sen. Shockley

01:51:36 Break
02:05:02 Reconvene

HEARING ON SB 348

Opening Statement by Sponsor:

02:05:31 Sen. Steven Gallus (D), SD 37, opened the hearing on SB
348, Delete appointment of attorney for guardian ad
litem.

Proponents' Testimony:

02:06:53 Larry Murphy, Contract Manager, Office of Public
Defender, State of Montana, Butte, Montana

Opponents' Testimony: None

Informational Testimony:

02:08:49 Shirley Brown, Division Administrator, Child and Family
Services, Department of Public Health and Human
Services, State of Montana

Questions from Committee Members and Responses:

02:09:19 Rep. Stoker
02:09:35 Mr. Murphy
02:12:14 Rep. Ebinger
02:12:26 Sen. Gallus
02:13:24 Rep. Peterson
02:14:05 Sen. Gallus
02:14:46 Rep. Stoker

Closing by Sponsor:

02:15:26 Sen. Gallus

HEARING ON SB 350

Opening Statement by Sponsor:

02:15:53 Sen. Gary Perry (R), SD 35, opened the hearing on SB
350, Crime of tampering with or destroying
communication equipment.

[EXHIBIT\(juh62a08\)](#)

Proponents' Testimony:

02:16:57 Judy Wang, Assistant City Attorney, City of
Missoula, Montana

[EXHIBIT\(juh62a09\)](#)

02:21:07 Jenny Daniel, Coordinator, Missoula Crime Victim
Advocate Program, Missoula, Montana

02:21:57 Jim Smith, Montana County Attorneys Association

02:24:26 Cynthia Wolken, Attorney, Montana Legal Services

[EXHIBIT\(juh62a10\)](#)

02:27:13 Ali Bovington, Assistant Attorney General, Department
of Justice, State of Montana

02:28:58 Kelsen Young, Executive Director, Montana Coalition
Against Domestic and Sexual Violence

[EXHIBIT\(juh62a11\)](#)

[EXHIBIT\(juh62a12\)](#)

[EXHIBIT\(juh62a13\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:30:00 Rep. Stoker
02:30:38 Ms. Wang
02:31:36 Rep. Peterson
02:32:35 Ms. Wang
02:34:09 Rep. Kottel
02:34:36 Sen. Perry
02:36:54 Rep. Gallik
02:37:46 Sen. Perry
02:40:40 Ms. Wang
02:45:54 Rep. Cordier
02:46:47 Ms. Wang
02:47:27 Rep. Peterson
02:49:44 Ms. Wang
02:50:10 Rep. Stoker
02:51:18 David Niss, Legislative Services
02:53:14 Rep. Kottel
02:56:25 Ms. Wang
02:57:33 Rep. Rice
02:57:37 Ms. Wang
02:58:59 Rep. Ebinger
02:59:47 Ms. Wolken

Closing by Sponsor:

03:01:01 Sen. Perry

HEARING ON SB 363

Opening Statement by Sponsor:

03:02:14 Sen. Christine Kaufmann (D), SD 41, opened the hearing
on SB 363, Revise eminent domain law.

[**EXHIBIT\(juh62a14\)**](#)

Proponents' Testimony:

03:07:05 Michael Kakuk, Montana Association of Realtors
03:09:43 Alec Hansen, Montana League of Cities and Towns
03:14:29 Janet Ellis, Montana Audubon

[**EXHIBIT\(juh62a15\)**](#)

03:17:24 John Youngberg, Montana Farm Bureau
03:18:36 Rachel Roberts, Montana Family Foundation
03:19:43 Riley Johnson, National Federation of Business (NFIB)

03:22:32 Rev. Brady Vardeman, Montana Association of Churches
03:24:10 Pat Torgerson, Women Involved in Farm Economics (WIFE)
03:25:37 Al Smith, Montana Trial Lawyers Association
03:26:18 Tim Davis, Montana Smart Growth Coalition

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:28:34 Rep. Stoker
03:28:59 Mr. Johnson
03:30:04 Mr. Kakuk
03:30:13 Mr. Hansen
03:30:36 Rep. Koopman
03:31:49 Mr. Hansen
03:36:55 Rep. Peterson
03:37:40 Rep. Cordier
03:38:29 Mr. Hansen

Closing by Sponsor:

03:40:12 Sen. Kaufmann
[EXHIBIT\(juh62a16\)](#)
03:42:24 Rep. Kottel

EXECUTIVE ACTION ON SB 164

03:43:57 **Motion:** Rep. Stoker moved that **SB 164 BE CONCURRED IN.**

Discussion:

03:44:16 Rep. Cordier
03:44:33 **Vote:** Motion that **SB 164 BE CONCURRED IN** carried unanimously by voice vote. Reps. Raser, Ward and Everett voted by proxy. Rep. Cordier will carry on House Floor.

EXECUTIVE ACTION ON SB 170

03:46:22 **Motion/Vote:** Rep. McGillvray moved that **SB 170 BE CONCURRED IN.** Motion carried 14-3 by voice vote with Reps. Jore, Rice and Koopman voting no. Reps. Raser, Everett and Ward voted by proxy. Rep. Driscoll to carry on House Floor.

EXECUTIVE ACTION ON SB 318

03:48:09 **Motion:** Rep. French moved that **SB 318 BE CONCURRED IN.**

Discussion:

03:49:27 Rep. French
03:49:30 Rep. Peterson
03:49:59 Rep. Kerns
03:50:25 Rep. Koopman
03:51:04 Rep. Raser
03:52:04 Rep. Ebinger
03:52:36 Rep. Kerns
03:53:05 Rep. Gallik
03:53:30 Rep. Kerns
03:54:46 Rep. Stoker
03:55:59 Rep. Raser
03:57:28 Rep. French
03:58:02 Rep. Gallik
03:59:43 Rep. Stoker
04:00:10 Rep. Kerns
04:00:23 Rep. McGillvray
04:00:31 Rep. Raser
04:00:42 Rep. Ebinger

04:01:21 Chairman Rice postponed Executive Action on SB 318.

ADJOURNMENT

Adjournment: 12:01 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh62aad.pdf](#))